

REMARKS/ARGUMENTS

This Amendment is submitted in response to the Final Office Action mailed June 15, 2006, and within the TWO MONTH time period extending from the mailing date of the Final Office Action to August 15, 2006. The current status of the claims is summarized below.

Claims 1, 11, 21, and 34 are currently amended.

Claims 2-3, 12-13, 23, 31-33, 42, and 49 are cancelled.

Claims 1, 4-11, 14-22, 24-30, 34-41, 43-48, and 50-51 are pending in the application after entry of the present Amendment.

Allowable Subject Matter

The Applicant acknowledges the Office's indication that claims 1, 4-11, 14-22, 24-30, 34-41, 43-48, and 50-51 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112, second paragraph. The Applicant further acknowledges the Office's indication that the prior art of record fails to teach or suggest that which is described with regard to Figures 6A-7, and page 18, line 4, to page 20, line 21, with regard to defining the portion of the image to be transmitted from the server to the client.

Rejections under 35 U.S.C. 112

Claims 1, 4-11, 14-22, 24-30, 34-41, 43-48, and 50-51 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These rejections are traversed.

The Office has asserted that the feature of "determining a nearest pixel in said image data to a corner location of said at least one clipping region" as recited in each of claims 1, 11, 21, and 34 is indefinite. Specifically, the Office has asserted that the above-identified feature does not distinctly claim the subject matter described at page 18, lines 14-25 of the specification regarding selection of P_{UL} and P_{LR} as being associated with a mapping of two corners of the clipping region with one respective nearest pixel.

In the interest of further clarifying the claims in light of the above-mentioned assertions by the Office, each of claims 1, 11, 21, and 34 has been amended to recite that the mapping includes "determining for each of two diagonally opposed corner locations of said at least one clipping region one respective nearest pixel in said image data." Thus, each of amended claims 1, 11, 21, and 34 recites that one nearest pixel in said image data is respectively determined for each of two diagonally opposed corner locations of the clipping region. In view of the above-described amendment, the Applicant submits that each of amended claims 1, 11, 21, and 34 particularly points out and distinctly claims the subject matter of the invention, as required by 35 U.S.C. 112, second paragraph.

The Office has further asserted that each of claims 1, 11, 21, and 34 recite mapping of the clipping region to the image data, but do not recite a result of the mapping. The Office also asserts that each of claims 1, 11, 21, and 34 do not clearly claim the invention because it is not clearly recited as to whether the received scaled transmitted clipped image data is displayed or just generated as processed image data. The Office further asserts that a lack of correlation of the mapping steps to the transmission of the clipped image data over the network amounts to an omission of essential steps.

As discussed in the Amendment filed March 22, 2006, the Applicant disagrees with the above-identified assertions by the Office regarding recitation of the result of the mapping and omission of essential steps. The corresponding arguments provided in the

Amendment of March 22, 2006, are incorporated herein by reference. However, in the interest of furthering prosecution of the subject case to Allowance, the Applicant has amended each of claims 1, 11, 21, and 34 to recite an operation for displaying the scaled clipped image data at the receiver. The recitation of displaying the scaled clipped image at the receiver should not be considered as an acquiescence to the Office's assertions regarding recitation of the result of the mapping and omission of essential steps.

The Applicant submits that each of amended claims 1, 11, 21, and 34 satisfies the requirements of 35 U.S.C. 112. Therefore, the Office is kindly requested to withdraw the rejections of claims 1, 11, 21, and 34 under 35 U.S.C. 112. Additionally, the Applicant submits that each of dependent claims 4-10, 14-20, 22, 24-30, 33-41, 43-48, and 50-51 is patentable for at least the same reasons as provided for its respective independent claim. Therefore, the Office is kindly requested to withdraw the rejections of claims 4-10, 14-20, 22, 24-30, 33-41, 43-48, and 50-51 under 35 U.S.C. 112.

Office's Question Regarding Computer Readable Medium Claims

The Office has inquired as to whether the computer readable medium claims 11, 14-20, 38-40, and 45 are intended to cover a carrier wave. The Office asserts that a carrier wave is a signal. The Office further asserts that a claim directed to a carrier wave as the medium for carrying the computer program product is nonstatutory.

The Applicant understands the Office's position with respect to signal claims as presented in the "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" as published in the Official Gazette on November 22, 2005. The Applicant further understands that the interim guidelines propose that such signal claims are ineligible for patent protection because they do not fall within any of the four

statutory classes of 35 U.S.C 101. However, the Applicant also acknowledges the Office's statement that "Public comment is sought for further evaluation of this question."

Therefore, consideration as to whether or not a carrier wave, i.e., a signal, is to be considered statutory subject matter per 35 U.S.C. 101 actually remains an open issue.

5 Consequently, at this time it is not appropriate for the Office to require the Applicant to create an estoppel against carrier waves as a form of computer readable medium. The Applicant submits that the computer readable medium claims (claims 11, 14-20, 38-40, and 45) are intended to cover all forms of computer readable media that fall within the statutory classes of 35 U.S.C. 101.

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Entry of Present After-Final Amendment

The claim amendments provided herein address 35 U.S.C. 112 rejections, and do not address rejections based on prior art. The Applicant submits that the claim amendments provided herein are clarifying in nature and do not raise new issues. The

15 Applicant further submits that the claim amendments provided herein are intended to place all claims in condition for allowance per the Office's indication of allowable subject matter. Therefore, the Applicant respectfully requests that the present after-final amendment be allowed entry.

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In view of the foregoing, the Applicant respectfully submits that all of the pending claims (1, 4-11, 14-22, 24-30, 34-41, 43-48, and 50-51) are in condition for allowance. The Applicant respectfully requests that a Notice of Allowance be issued. If the Examiner has any questions concerning the present Amendment, the Examiner is kindly requested to contact the undersigned at (408) 774-6914. If any additional fees are due in connection with filing this Amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP572). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
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